

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM ROBERT SHAW,

Plaintiff,

v.

Case No. 20-C-365

DAVID SEEL, et al.,

Defendants.

ORDER

Plaintiff William Shaw, who is representing himself, filed this lawsuit alleging that the defendants violated his civil rights at the Milwaukee County Jail. Dkt. No. 17. The Court screened the amended complaint and allowed Shaw to proceed against four named defendants, Milwaukee County, and “John Does” who participated in conducting unreasonable strip-searches on December 8, 2018, January 1, 2019, and January 5, 2019. Dkt. No. 18 at 4. The Court instructed Shaw to use discovery to learn the real names of the Doe defendants and add them to the lawsuit by seeking leave to file an amended complaint once he has done so. *Id.* at 6.

Since then, Shaw has filed three motions for leave to file an amended complaint. Dkt. Nos. 30, 38, 40. The Court denied the first motion without prejudice because Shaw failed to specifically state “what each of the new defendant is alleged to have done in violation of his rights” and failed to identify “what changes are sought by the proposed amendments.” Dkt. No. 32. Shaw filed his second motion for leave to amend on January 14, 2021. Dkt. No. 38. And he filed his third motion for leave to amend on January 21, 2021. Dkt. No. 40. In his third motion for leave to amend, Shaw asks to add: (1) twelve additional defendants; (2) two more strip-search incidents from

January 4, 2018 and January 3, 2020; (3) an additional Fourth Amendment claim; (4) and an additional failure to intervene claim. *Id.*, ¶3. He also complied with the Court's order to specifically identify where each change in the document is located. *Id.*, ¶2.

Given that Shaw filed his third motion for leave to amend before the Court could rule on his second motion for leave to amend, the Court will deny the second motion as moot. The Court will grant his third motion for leave to amend. The clerk's office is directed the clerk's office is directed to amend the caption to reflect that the real names of "John Does" are: (1) Awad Mohamed, (2) Kevin Tyler, (3) Daniel Carroll, (4) Scott Sobek, (5) Jeffrey Ericson, (6) Noel Ybarra, (7) Brian Anderson, (8) Earl Holland, (9) Kennedy, (10) Gregory Walker, (11) Vang, and (12) Daniel Kaminski. The Court will also allow Shaw to add facts and claims regarding the January 4, 2018 and January 3, 2020 incidents because it relates to the *Monell* claim against Milwaukee County.

Shaw is advised that he will not be given any more opportunities to amend the complaint. This case has been pending since March 2020 and must move forward. Any further motions to amend the complaint will be summarily denied absent good cause. Requiring the City to respond to continually changing allegations is unfair and unreasonable. It also wastes valuable and scarce City resources.

On January 22, 2021, Shaw filed a motion to substitute the judge and transfer the case to the Milwaukee division. Dkt. No. 42. Shaw states that "someone and/or a group of individuals" in the Green Bay clerk's office "tampered with the U.S. Postal Mail/plaintiff's submissions/court filings" because a *pro se* complaint that he mailed on January 1, 2021 in case no. 20-C-1533 did not get e-filed until January 6, 2021. *Id.* No one in the Green Bay clerk's office is tampering with Shaw's court filings. The clerk's office is very busy, and a four-day delay in e-filing a document,

especially around the holidays, is a reasonable amount of time. Shaw also states that he is at the Milwaukee County Jail and it would be “burdensome on [him] to travel all the way to Green Bay” for a trial, but the Court need not address that issue right now. Shaw must survive summary judgment before trial logistics are an issue. The Court will deny the motion to substitute the judge.

On January 25, 2021, Shaw filed a motion for extension of time to respond to discovery. Dkt. No. 43. He states that he has many pending lawsuits; therefore, he needs 60 additional days to respond to the defendants’ discovery requests. *Id.* Shaw states that he “has already contacted defendants concerning this particular issue and awaiting an appropriate response.” *Id.* at 2. Given that Shaw has not yet heard back from the defendants, the Court will deny the motion without prejudice. Since he is proceeding pro se and is in custody, the Court directs counsel for the defendants to contact Shaw in an attempt to work out any disputes. The Court notes that Shaw chose to file many lawsuits at the same time, so it is his responsibility to manage his time such that he is able to properly litigate all of his cases. The Court is not inclined to extend deadlines for the sole purpose of accommodating Shaw’s many lawsuits.

IT IS THEREFORE ORDERED that the plaintiff’s second motion for leave to amend the complaint (Dkt. No. 38) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff’s third motion for leave to amend the complaint (Dkt. No. 40) is **GRANTED**. The clerk’s office is directed to detach Dkt. No. 40-1 and e-file the amended complaint, which will serve as the operative complaint in this case.

IT IS FURTHER ORDERED that the plaintiff’s motion to substitute judge (Dkt. No. 42) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff’s motion for extension of time to respond to discovery (Dkt. No. 43) is **DENIED** without prejudice.

The clerk's office is directed to amend the caption to reflect that the real names of "John Does" are: (1) Awad Mohamed, (2) Kevin Tyler, (3) Daniel Carroll, (4) Scott Sobek, (5) Jeffrey Ericson, (6) Noel Ybarra, (7) Brian Anderson, (8) Earl Holland, (9) Kennedy, (10) Gregory Walker, (11) Vang, and (12) Daniel Kaminski.

Pursuant to the informal service agreement between Milwaukee County and this Court, copies of the plaintiff's complaint and this order are being electronically sent today to Milwaukee County for service on Awad Mohamed, Kevin Tyler, Daniel Carroll, Scott Sobek, Jeffrey Ericson, Noel Ybarra, Brian Anderson, Earl Holland, Kennedy, Gregory Walker, Vang, and Daniel Kaminski. These individuals shall file a responsive pleading to the complaint within **sixty days** of receiving electronic notice of this order.

Dated at Green Bay, Wisconsin this 29th day of January, 2021.

s/ William C. Griesbach
William C. Griesbach, District Judge
United States District Court